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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/573,219

03/24/2006

Rudiger Briesewitz

AP 10787

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EXAMINER

MOK, ALEX W

ART UNIT

PAPER NUMBER

2834

MAIL DATE

DELIVERY MODE

09/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/573,219	Applicant(s) BRIESEWITZ, RUDIGER	
	Examiner Alex W. Mok	Art Unit 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19 and 30-36 is/are rejected.
- 7) ☒ Claim(s) 20-29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/24/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 19, 30, 31, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Motodate (French Patent Document No.: FR 2735626).

For claim 19, Motodate discloses a motor comprising a housing (see figure 1), a rotor (reference numeral 10), a stator having electrical windings (reference numerals 22, 23), a commutator/carbon brush system with the stator embracing the rotor (see figure 1) which comprises a shaft (reference numeral 3) and permanent magnets (reference numeral 12), wherein the commutator (reference numeral 43) is arranged in a rotationally fixed manner (see figure 1), and carbon brushes (reference numeral 31) which rotate with the rotor and are displaced towards the commutator in the direction of wear (see figure 1).

For claim 30, Motodate discloses the commutator (reference numeral 43)) designed flatly at a housing element of the electric motor and extending at right angles to the shaft (see figure 1), with the carbon brushes being displaced in parallel to the shaft in the direction of the commutator (see figure 1).

For claim 31, Motodate has the commutator provided at the cover (reference numeral 40, see figure 1).

For claim 33, Motodate illustrates the carbon brushes having a square shaped cross section (see figure 8) and the brush holder having profiled guides for form fitting the carbon brushes (see figure 8).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 32, 34, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motodate as applied to claims 19, 30, and 31 above, and further in view of Burgdorf et al. (US Patent No.: 5895207).

For claim 32, Motodate discloses the claimed invention except for the bearing and accommodating member.

Burgdorf et al. illustrate a bearing (reference numerals 15, 16) at the bottom of the motor which supports the mounting of the shaft (see figure 1), and also illustrate an accommodating member (reference numeral 2) which can accommodate a driven element.

It would have been obvious to include the bearing and the accommodating member in the invention of Motodate, since Burgdorf et al. use these components in a motor-pump assembly (see the Abstract), the same technological field as the claimed invention, and a person of ordinary skill in the art would have been able to apply these

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components in the invention of Motodate for the purpose of better handling and testing of the direct current motor and procuring the motor from the supplier.

For claims 34 and 35, Motodate disclose the claimed invention except for the electrical contacting between the commutator and the electrical windings (claim 34) and the spring legs (claim 35). It would have been obvious to have this configuration, since Burgdorf et al. illustrate the electrical contacting between the commutator and the windings, including the spring legs (see figure 1), and a person of ordinary skill would have been able to include this in the invention of Motodate for the purpose of improving the electrical contacting of the motor due to the axial assembly of the commutator and the windings.

For claim 36, since Motodate disclose the motor as explained for claim 19 above, it would be well within the knowledge of a person skilled in the art to include this type of motor in any type of assembly, such as an electrohydraulic assembly for a slip controlled brake system. It also would have been obvious to include an electronic control unit and an accommodating member, since Burgdorf et al. illustrate an electronic control unit (reference numeral 95, see figure 9) and an accommodating member (reference numeral 2, see figure 1), and a person of ordinary skill would have been able to apply these components in the invention of Motodate for the purpose of supplying power to the motor and mounting support for the hydraulic components.

Allowable Subject Matter

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5. Claims 20-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: While the prior art does teach all of the limitations disclosed in claim 19, it does not however, specifically teach the permanent magnets at the radially outward bowl wall of the bowl-shaped supporting body, and the carbon brushes being arranged in the interior of the bowl-shaped supporting body as recited in claim 20. Since claims 21-29 are dependent upon claim 20, these claims also would be indicated as allowable.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Suzuki et al. (US Patent No.: 6563245), Walker (US Patent No.: 3870914), Kyo et al. (Japanese Patent Document No.: JP 2001157314 A), Yo (Japanese Patent Document No.: JP 08067153 A).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex W. Mok whose telephone number is (571) 272-9084. The examiner can normally be reached on 7:30-5:00 Eastern Time, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg can be reached on (571) 272-2044. The fax phone


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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alex W. Mok
Examiner
Art Unit 2834

AM


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